

## JOURNAL OF THE SENATE

366 ----- 275 ----- September 8, 1965  
484 ----- 276 ----- September 8, 1965

Respectfully submitted,

WARREN P. KNOWLES,  
September 9, 1965. Governor.

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### CHIEF CLERK'S REPORT

The chief clerk records:

**Senate Joint Resolution 5**

Was correctly enrolled on Thursday, September 9, 1965.

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### EXECUTIVE COMMUNICATIONS

To the Honorable, the Senate:

The following bills, originating in the senate, have been approved, signed and deposited in the office of the Secretary of State.

Senate Bill	Chapter No.	Date Approved
324 -----	277 -----	September 9, 1965
83 -----	278 -----	September 9, 1965
574 -----	279 -----	September 9, 1965
483 -----	280 -----	September 9, 1965

Respectfully submitted,

WARREN P. KNOWLES,  
September 9, 1965. Governor.

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The chief clerk makes the following entries under the date of Monday, September 13, 1965.

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### EXECUTIVE COMMUNICATIONS

To the Honorable, the Senate:

The following bill, originating in the Senate, has been approved, signed and deposited in the office of the Secretary of State.

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Senate Bill	Chapter No.	Date Approved
442 -----	299 -----	September 10, 1965

Respectfully submitted,

WARREN P. KNOWLES,	
September 13, 1965.	Governor.

To the Honorable, the Senate:

I return herewith **Senate Bill 103.**

This bill attempts to render the use of lie detecting devices in certain employment situations a criminal offense enforceable by fines not to exceed \$500. This legislation is defective in its construction and is contrary to the public policy and the constitutional requirement that laws imposing criminal sanctions should be clear and concise on their face and not vague, indefinite or ambiguous. Thus, I feel compelled to veto this bill without passing upon the merits of the bill's purpose.

The original bill prohibited the use of a lie detecting device as a required condition of employment. Amendment 1, S. deleted the words "as a condition of employment." Thus, the bill now merely prohibits the requiring of an employee to submit to such a test. It does not specifically prohibit an employer from refusing to consider for employment or for dismissing an employee who refused to take such a test and the deletion of this portion of the original bill creates a serious ambiguity in the application of the prohibition.

The term "require . . . [to] submit" should be clearly defined. In many situations where theft has occurred within a business, employees request permission to take lie detector tests to clear themselves of any suspicion. It is important that employees continue to have this means of establishing their innocence. The terms in this bill do not sufficiently differentiate between voluntary and required submission to tests. Many employers would undoubtedly restrict the voluntary use of lie detecting devices because of the risk that they would encounter in charges of violations of this proposed law, particularly where a number of employees are involved and all of them did not desire to take a test. Legislation of this nature should clearly define what is to be considered a requirement on the part of an employer versus a voluntary submission on the part of an employee.

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It would also be preferable to further define the term "other lie detecting device" as numerous methods and techniques are presently in use. These vary from the use of the polygraph to the use of tests not strictly mechanical. This bill is vague as to what tests are covered by the proposed prohibition.

This legislation should define the term "employer." This law apparently would be applicable to state, local and federal governments. Because of the important use of lie detecting devices with respect to employment in the law enforcement fields and in positions involving internal security, the intent of this bill in such situations should be clearly delineated.

There are valid arguments and public policy considerations both for and against legislation relating to the use of lie detecting tests. The merits of these considerations can only be judged in light of the provisions of specific properly drafted legislation. If this bill was merely a declaration of public policy its defects would not be significant, but this legislation establishes a definition for a criminal violation, and public policy and constitutional provisions require that all such laws be definite and certain.

By reason of its technical deficiency, I am therefore returning this bill to you without my approval for your further consideration.

Respectfully submitted,

WARREN P. KNOWLES,

September 10, 1965.

Governor.

To the Honorable, the Senate:

I am returning Senate Bill 314 to you without my approval.

All candidates, as a prerequisite to registration as pharmacists, are required to obtain one year's practice and experience in a retail pharmacy or drug store under the direction and supervision of a registered pharmacist. This internship program is supervised by the State Board of Pharmacy.

This bill creates a new commission composed of thirteen members for the purpose of supervising the internship program which would be placed under its supervision. This Internship Commission and its staff would be financed by

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increasing the annual registration fee for all pharmacists from \$10 to \$17.50.

I do not feel it is advisable or necessary to create a new state agency for this sole purpose. Wisconsin presently has an internship program which is recognized nationally as one of the finest. Certainly those pharmacists who seek to strengthen this program must be praised for their desire to continue to improve the pharmacist training program.

However, if it is desirable to provide a full-time supervisor of the internship program, I believe it would be more appropriate to accomplish this within the existing structure of the State Board of Pharmacy. If increased participation of pharmacists in establishing internship policy is desirable, then the creation of an advisory committee, as established in similar situations in other agencies, would be proper.

The creation of this new commission for this specific purpose would be contrary to present attempts to improve state government by avoiding the proliferation of state agencies and by effectuating a consolidation of existing smaller agencies. The approval of this bill would establish a precedent which would make the denial of similar treatment to other interest groups difficult.

I wholeheartedly support the strengthening of the internship program and support strongly the educational aspects of the proposal, but I cannot approve the means by which it is attempted by this bill.

I also believe the doubling of the reciprocity fee for pharmacists from \$50 to \$100, as provided for in this bill, is not appropriate, as it appears to put an undue burden on out-of-state licensees and might well react unfavorably against the reciprocity which we enjoy with other states.

Respectfully submitted,

WARREN P. KNOWLES,

September 10, 1965.

Governor.